

House File 252 - Enrolled

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HOUSE FILE 252

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1 3 AN ACT
1 4 RELATING TO THE CONTROL OF NOXIOUS WEEDS ON LAND BY PROVIDING
1 5 ALTERNATIVE NOTICE PROCEDURES TO LANDOWNERS AND OTHER
1 6 RESPONSIBLE PERSONS.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 Section 1. Section 317.6, Code 2005, is amended to read as
1 11 follows:
1 12 317.6 ENTERING LAND TO DESTROY WEEDS == NOTICE.
1 13 ~~In case of~~ If there is a substantial failure by the owner
1 14 or person in possession or control of any land to comply with
1 15 any order of destruction pursuant to the provisions of this
1 16 chapter, the county weed commissioner, including the weed
1 17 commissioner's deputies ~~and, or~~ employees acting under the
1 18 weed commissioner's direction ~~shall have full power and~~
1 19 ~~authority to may~~ enter upon any land within ~~their the~~
1 20 ~~commissioner's~~ county for the purpose of destroying noxious
1 21 weeds. ~~Such The~~ entry may be made without the consent of the
1 22 landowner or person in possession or control of the land ~~but,~~
1 23 ~~However, the~~ actual work of destruction shall not be commenced
1 24 until five days after the ~~service of a notice in writing on~~
1 25 ~~the landowner and on the person in possession or in control of~~
1 26 ~~the land have been notified.~~ The notice shall state the facts
1 27 ~~as relating~~ to failure of compliance with the county program
1 28 of weed destruction order or orders made by the board of
1 29 supervisors ~~and shall be served in the same manner as an~~
1 30 ~~original notice except as hereinafter provided.~~ The notice
1 31 ~~may shall be served delivered by personal service on the owner~~
1 32 ~~and persons in possession and control of the land. The~~
1 33 ~~personal service may be served by the weed commissioner, the~~
1 34 ~~weed commissioner's deputies or any person designated in~~
1 35 writing by the weed commissioner ~~and.~~ However, in lieu of
2 1 personal service, the weed commissioner may provide that the
2 2 notice be delivered by certified mail. A copy of the notice
2 3 shall be filed in the office of the county auditor. Provided,
2 4 however, that service on persons living temporarily or
2 5 permanently outside of the county may be made by sending the
2 6 written notice of noncompliance by certified mail to said
2 7 person at the The last known address to of the owner or person
2 8 in possession or control of the land may be ascertained, if
2 9 necessary, from the last tax list in the county treasurer's
2 10 office. Where any person, ~~firm or corporation~~ owning land
2 11 within the county has filed a written instrument in the office
2 12 of the county auditor designating the name and address of its
2 13 agent, the notice ~~herein provided~~ may be ~~served on delivered~~
2 14 ~~to that agent. In computing time hereunder for notice, it~~
2 15 ~~shall be from the date of service as evidenced on the return~~
2 16 ~~or if of service. If delivery is made by certified mail, it~~
2 17 ~~shall be from the date of mailing as evidenced by the~~
2 18 ~~certified mail book at the post office where mailed.~~
2 19 Sec. 2. Section 317.16, Code 2005, is amended to read as
2 20 follows:
2 21 317.16 FAILURE TO COMPLY.
2 22 1. In case of a substantial failure to comply by the date
2 23 prescribed in any order of destruction of weeds made pursuant
2 24 to this chapter, the weed commissioner ~~or the deputies~~ may,
2 25 ~~subsequent to the time after service of the notice provided~~
2 26 ~~for in section 317.6 enter do any of the following:~~
2 27 a. Enter upon the land and as cause provided in section
2 28 317.6 and provide for the destruction of the weeds to be
2 29 destroyed, or may impose as provided in section 317.6.
2 30 b. Impose a maximum penalty of a ten dollar fine for each
2 31 day, up to ten days, that the owner or person in possession or
2 32 control of the land fails to comply. If a penalty is imposed
2 33 and the owner or person in possession or control of the land
2 34 fails to comply, the weed commissioner shall cause the weeds
2 35 to be destroyed.
3 1 2. If the weed commissioner enters the land and causes the
3 2 weeds to be destroyed, the actual cost and expense of cutting,
3 3 burning or otherwise destroying the weeds, along with the cost
3 4 of ~~serving~~ providing notice and special meetings or
3 5 proceedings, if any, shall be paid by the county and, together

3 6 with the additional assessment to apply toward costs of
3 7 supervision and administration, be recovered by an assessment
3 8 against the tract of real estate on which the weeds were
3 9 growing, as provided in section 317.21. Any fine imposed
3 10 under this section shall be recovered by a similar assessment.
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3 14 _____
3 15 CHRISTOPHER C. RANTS
3 16 Speaker of the House
3 17

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3 19 _____
3 20 JOHN P. KIBBIE
3 21 President of the Senate

3 22 I hereby certify that this bill originated in the House and
3 23 is known as House File 252, Eighty-first General Assembly.
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3 27 _____
3 28 MARGARET THOMSON
3 29 Chief Clerk of the House

3 30 Approved _____, 2005
3 31

3 32 _____
3 33 THOMAS J. VILSACK
3 34 Governor